UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P O Box 1450
Alexandria, Virginia 22313-1450
www uspto gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,702	07/09/2003	Wayne E. Mock	BCS03188ACQ	9739

7590 10/29/2008

Caroline Coker
Motorola, Inc. - Law Department
101 Tournament Drive
Horsham, PA 19044

EXAMINER	
TOPGYAL, GELEK W	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
10/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/615,702	Applicant(s) MOCK, WAYNE E.	
	Examiner GELEK TOPGYAL	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-6, and 14-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelts (US 7,139,983), in view of Arazi et al. (US 5,966,120).

Regarding claim 1, Kelts teaches a method for converting DVD content into a project suitable to be delivered via a network, said method comprising the steps of:

extracting information files (Col. 8, lines 18-40 teaches of “video on demand" and “pay per view" programs being broadcast to the users. Col. 20, lines 27-50 and col. 21, lines 1-31 teaches wherein data to be used for navigational data can be generated from the “selection items”. The selection items being typical movies/programs that can be been ordered via VOD or PPV. Therefore, information files from the “selection items” can inherently be from any source) and video object files (Col. 8, lines 18-40 teaches of “video on demand" and “pay per view" programs being broadcast to the users. The video used for the VOD or PPV program can inherently be from any source);

translating said extracted information files into XML format (col. 26, lines 52+ teaches wherein menu data (navigation interface data) in converted into XML format);

bundling said translated and transcoded files into the project (Col. 8, lines 18-40 teaches of VOD and PPV programs that can be played at a client's site).

However, Kelts is silent as to transcoding said extracted video object files from variable bit rate format to constant bit rate format;

In an analogous art, Arazi et al. teaches the claimed in col. 3, line 65 – col. 4, line 6 wherein video data can be converted from a variable bit rate format into video data that has a constant bit rate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to convert the video into a CBR format so that transmission/link stability/efficiency can be increased by utilizing all of the bandwidth capacity.

The proposed combination of Kelts and Arazi teaches the claimed as discussed above, however fails to particularly teach that the video on demand system or pay per view system utilizes DVDs as the source of the program that is broadcast.

In an analogous art, Watkins teaches in col. 3, line 66 through col. 4, lines 16 of the explicit use of DVDs as the source for a video on demand system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to use DVDs as the source of video for VOD systems as taught by Watkins into the proposed combination of Kelts and Arazi to reduce costs for the end users that do not have DVD systems.

Regarding claim 2, the proposed combination of Kelts, Arazi et al. and Watkins teaches the claimed as discussed in claim 1 above, furthermore, Kelts teaches the claimed further comprising the step of: decrypting data stored on the DVD (as discussed in claim 1 above, the video data from the source is utilized for presenting VOD and PPV programs).

Regarding claim 3, the proposed combination of Kelts, Arazi et al. and Watkins teaches the claimed as discussed in claim 1 above, furthermore, Kelts teaches the claimed further comprising the step of: associating the project with a target user interface (col. 21, lines 47-61).

Regarding claim 4, the proposed combination of Kelts, Arazi et al. and Watkins teaches the claimed as discussed in claim 1 above, furthermore, Kelts teaches the claimed further comprising the step of: importing the project to associate the project with existing menu frames (Col. 21, lines 1-19 with the ability to edit previously stored navigational interface data).

Regarding claims 5 and 6, the proposed combination of Kelts, Arazi et al. and Watkins teaches the claimed as discussed in claim 1 above, furthermore, Kelts teaches the claimed further comprising the step of: pruning at least one feature from the project (Col. 21, lines 1-19 with the ability to edit previously stored navigational interface data, wherein editing can remove certain portions of the stored menu (navigational interface data)).

Regarding claim 14, the proposed combination of Kelts, Arazi et al. and Watkins teaches the claimed as discussed in claim 1 above, furthermore, Kelts teaches the

claimed further comprising the step of: displaying the converted content in an emulated set-top box environment (Col. 18, lines 39-52).

Regarding claim 15, the proposed combination of Kelts, Arazi et al. and Watkins teaches the claimed as discussed in claim 1 above, furthermore, Kelts teaches the claimed further comprising the step of: validating the video quality of the project (col. 21, lines 20-22 teaches of finalizing the navigational interface data thereby making the DVD/video program ready for VOD and PPV services).

System claims 16 and 18 are rejected for the same reasons as discussed in method claim 1 above.

System claim 17 is rejected for the same reasons as discussed in claim 2 above.

4. **Claims 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelts (US 7,139,983) in view of Arazi et al. (US 5,966,120) and further in view of Watkins (US 6,341,375) as applied to claim 1 above, and further in view of Son et al. (US 2002/0047899).

Regarding claims 7-8, the proposed combination of Kelts, Arazi and Watkins teaches the limitations of claim 1 as discussed above, however, fails to particularly teach the claimed further comprising the step of: editing said project in order to add at least one feature which is to be delivered via the network. Wherein the feature is at least one of navigational optimization, a tie in to an on-demand portal, key-mapping, button highlighting, intra-menu navigation, inter-menu navigation, DVD disc merge.

In an analogous art, Son et al. teaches in paragraph 34 of the ability to add the functionality of a "DVD scene selection" in a VOD/PPV environment, which reads on the claimed "intra and inter menu navigation".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to add DVD scene selection as taught by the system of Son et al. into the proposed system of Kelts and Arazi to allow for a user to navigate through the content in a more direct manner.

5. **Claims 9-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelts (US 7,139,983) in view of Arazi et al. (US 5,966,120) and further in view of Watkins (US 6,341,375) as applied to claim 1 above, and further in view of Son et al. (US 2002/0047899) as applied to claims 7-8 above, and further in view of Hudson et al. (US 2002/0078456).

Regarding claims 9-13, the proposed combination of Kelts, Arazi et al. and Son et al. teaches the limitations as discussed in claims 7-8 above, however, fails to particularly teach wherein the feature is displaying one or more brands or advertisements upon a pause, exiting of the DVD content, and to offer additional content, all of which are compatible with the network operator or content provider.

Hudson et al. teaches in paragraphs 46-48 teaches wherein upon a pause of the VOD content, an advertisement is displayed. The pause of the video is equated to the claimed exiting, since the video is no longer being played. The advertising information allows for further exploration by the user as well. Furthermore, the limitations of claim 13

is met since advertisements are compatible with the network provider as the user is able to view/explore the advertisements.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to show explorative advertisements during a pause or exiting as taught by the system of Hudson et al. into the proposed system of Kelts, Arazi et al. and Son et al. to make sure that advertisements related to the video programs are displayed to the users.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art teaches systems that allow for VOD and PPV services by transcoding data to a compatible format of the transmission medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621